

**CONFERENCE OF GOVERNMENT EXPERTS ON
the Reaffirmation and Development of
International Humanitarian Law Applicable
in Armed Conflicts**

Geneva, 24 May -12 June 1971

VIII

ANNEXES

**Submitted by the
International Committee of the Red Cross**



**Geneva
January 1971**

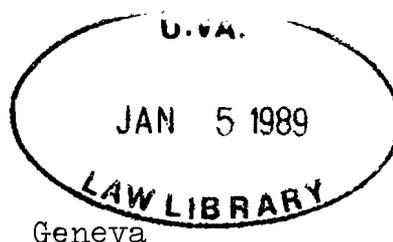
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ORGANIZATIONS :CONFERENCES AND SESSIONS RELATING TO
INTERNATIONAL HUMANITARIAN LAW(from the XXIst International Conference
of the Red Cross, Istanbul, September
1969, to December 1970)

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INTERNATIONAL HUMANITARIAN LAW
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of the Red Cross, Istanbul, September
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A. XXIst INTERNATIONAL CONFERENCE OF THE RED CROSS,
ISTANBUL, SEPTEMBER 1969.

Report

in preparation (a provisional report on the Conference was published in "The ICRC in Action", No. 124, on 29 September 1969).

Resolutions

published by the ICRC in 1969.

B. REPORTS, PROCEEDINGS AND RESOLUTIONS OF THE UNITED
NATIONS AND ITS MAIN ORGANS SINCE SEPTEMBER 1969.

I. UNITED NATIONS, GENERAL ASSEMBLY.

1) 24th session, 1969.

a) Third Commission

Discussion of the Secretary-General's Report on "The Respect of Human Rights in Armed Conflicts".
(A/7720).

Documents

A/C. 3. SR. 1732 - 1734.

Proceedings of the meetings of 10, 11 and 12 December 1969.

Report of the Third Commission on its discussion of the Report of the Secretary-General (A/7720) and Recommendations to the General Assembly :

A/7909 of 13 December 1969 by Dr. Ludek Handl (Czechoslovakia).

b) Discussion of the General Assembly on the Report of the Third Commission (A/7909) :

A/PV 1835 of 16 December 1969.

c) Resolution adopted : A/Res 2597 (XXV) of 16 December 1969 : "The Respect of Human Rights in Armed Conflicts".

2) 25th session, 1970.

a) Third Commission

Discussion of the Secretary-General's Report on "The Respect of Human Rights in Armed Conflicts" (A/8052).

Documents

A/C. 3/SR. 1780 (p. 13) - A/C. 3/SR 1788.
(meetings from 5 November to 13 November 1970).

and

A/C. 3/SR 1792 - AC. 3/SR. 1805
(meetings from 18 November to 2 December 1970).

(Provisional summary records)

Report of the Third Commission on its discussion of the Report of the Secretary-General on "The Respect of Human Rights in Armed Conflicts" (A/8052) and the Third Committee's recommendations to the General Assembly :

A/8178 by Mrs. E. Gunawardana (Belgium)

- b) Discussion of the Report of the Third Committee (A/8178) by the General Assembly:

A/PV 1922 of 9 December 1970.

- c) Resolutions adopted by the General Assembly :

- | | |
|-----------------|--|
| A/2673
(XXV) | Protection of journalists engaged on dangerous missions in areas of armed conflict.
(85 in favour, none against, with 32 abstentions (recorded vote). |
| A/2674
(XXV) | Respect for human rights in armed conflicts.
(77 in favour, 2 against, with 36 abstentions (recorded vote). |
| A/2675
(XXV) | Basic principles for the protection of civilian populations in armed conflicts.
(109 in favour, none against, with 8 abstentions (recorded vote). |
| A/2676
(XXV) | Respect for human rights in armed conflicts.
(67 in favour, 30 against, with 20 abstentions (recorded vote). |
| A/2677
(XXV) | Respect for human rights in armed conflicts.
(111 in favour, 0 against, with 4 abstentions (recorded vote). |

II. UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL

1) ECOSOC - 48th Session

a) Commission on Human Rights

Discussions of the Commission on Human Rights (26th Session, 1970) on "The Respect of Human Rights in Armed Conflicts" (Report of the Secretary-General A/7720 and Resolution A/2597 [XXIV]).

E/CN. 4. SR 1060 - 1062
(5 - 7 March 1970)

b) Social Committee

Discussions on "The Respect of Human Rights in Armed Conflicts".

Provisional summary records :

E/AC. 7/SR 636 - 639
E/AC. 7/SR 644 - 645

Report of the Social Committee to the 48th Session of ECOSOC : E/4868 of 26 May 1970.

c) Commission on the Status of Women.

23rd Session, Geneva, 23 March - 10 April 1970.

Draft resolution : E/CN. 6/L.591 : Status of Women.

d) Resolutions adopted by ECOSOC on humanitarian problems during its 48th Session

E/Res 1500 (XLVIII) Question of the punishment of war criminals and of persons who have committed crimes against humanity.;

E/Res 1501 (XLVIII) Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories.
27.5.1970

E/Res 1515 (XLVIII) Protection of women and children in emergency or war-time, fighting for peace, national liberation and independence.
24.6.1970

III. OFFICE OF THE SECRETARY-GENERAL / HUMAN RIGHTS DIVISION.

Group of Experts convened by the Human Rights Division to a colloquium in New York (13 - 18 April 1970) on "The Respect of Human Rights in Armed Conflicts".

Expert of the ICRC

Mr. Wilhelm.

C. NON-GOVERNMENTAL ORGANIZATIONS

(Conferences where the ICRC has been represented).

- 1) CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE / EUROPEAN CENTER, GENEVA.

Colloquium on "The Law of Armed Conflicts; Present-day problems", Geneva, 15-20 September 1969.

Reports

- Bindschedler, D.
Reconsidération du Droit des Conflits Armés.
- Sahovic, M.
The Law of armed conflicts and Measures concerning
its Reconsideration and more effective Application".

Official Record

"The Law of Armed Conflicts", published by the Carnegie Endowment, European Center, New York, 1971.

ICRC participant

Mr. Siordet (Mrs D. Bindschedler, Member of the International Committee of the Red Cross participated in the Colloquium as Rapporteur).

- 2) INSTITUTE OF INTERNATIONAL LAW
Edinburgh Session, September 1969.

Official Record

Institute of International Law, 53rd Session, Edinburgh, September 1969, vol. II, Basle, Editions juridiques et sociologiques S.A., 1969, pp. 48-126.

Resolution

"The distinction between military objectives and non-military objects in general and particularly the problems associated with weapons of mass destruction".

ICRC participants

Mrs. D. Bindschedler, H.E. Mr. Paul Ruegger and Professor D. Schindler, members of the ICRC.

3) WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM
(WILPF)

Conference on biological and chemical Warfare, London,
21 - 23 November 1969.

ICRC observer

Mr. J. Mirimanoff-Chilikine.

4) UNIVERSITE LIBRE DE BRUXELLES, CENTRE DE DROIT
INTERNATIONAL (Institut de sociologie)

Conference "Droit humanitaire et conflits armés",
Brussels, 28 - 30 January 1970.

Main reports submitted to the Conference

- "International Armed Conflicts : the International Character of a Conflict" by Prof. Tom J. FARER, Columbia University School of Law, 33 pages;
- "Qualité des individus belligérants" par Jovica PATRNOGIC, Professeur à la Faculté de Droit et d'Economie de Pristina, 31 pages (bibliographie);
- "The Legal Classification of Belligerent Individuals" by Colonel G.I.A.D. DRAPER, O.B.E., LL.M., Professor in Law, University of Sussex, 24 pages;
- "De la théorie classique de la reconnaissance de belligérance à l'article 3 des Conventions de Genève", par Charles ZORGBIBE, Professeur agrégé à la Faculté de Droit de Nantes, Directeur du Centre d'études juridiques françaises de Sarrebruck, 16 pages;
- "La Guérilla et le Droit de la Guerre, Problèmes principaux", par Henri MEYROWITZ, Docteur en Droit, Avocat à la Cour d'appel de Paris, 26 pages (plus un résumé de 4 pages);

- "La notion de personne protégée dans les Conventions humanitaires" par Paul de GEOUFFRE DE LA PRADELLE, Professeur à la Faculté de Droit d'Aix, Directeur de l'Institut d'Etudes Politiques, Vice-Président de la Commission médico-juridique de Monaco, 8 pages;
- "L'application du droit de la guerre et des principes humanitaires dans les opérations de guérilla", par Khalfa MAMERI, Membre de l'Ambassade d'Algérie à Paris, 22 pages;
- "L'état des législations internes au regard des obligations contenues dans les Conventions internationales du droit humanitaire" par Georges LEVASSEUR, Professeur à la Faculté de Droit et des Sciences économiques de Paris et Roger MERLE, Professeur à la Faculté de Droit et des Sciences économiques de Toulouse, Avocat à la Cour, 50 pages.

ICRC participants

Mr. R.J. Wilhelm and Mr. M. Veuthey.

- 5) FIFTH INTERNATIONAL CONGRESS OF THE INTERNATIONAL SOCIETY FOR MILITARY PENAL LAW AND LAW OF WAR (Dublin, 25 - 30 May 1970).

Official Record

To be published by the "Military Penal Law and Law of War Review" (Professor H. Bosly, Palais de Justice, Brussels).

Main reports submitted to the Congress

- "L'obéissance militaire au regard des droits pénaux internes et du droit de la guerre" - Rapport présenté par M. Sahir Erman (41 pages).
- Commentaire au sujet du thème "L'obéissance militaire au regard des droits pénaux internes et du droit de la guerre" (24 + 7 pages).

- Concept of "war" and "combatant" in modern conflicts by Prof. G. Balladore Pallieri, Catholic University of Milan.
- Rapport français sur le thème de la notion de "guerre" et de "combattant" dans les conflits modernes (12 pages).
- Considérations sur l'application dans les conflits modernes des articles 3 et 4 des Conventions de Genève de 1949, by General P. Verri, Milan.
- "The position of guerrilla fighters under the law of war" - Report by F. Kalshoven (31 pages).

ICRC participant

Mr. C. Pilloud.

- 6) INTERNATIONAL LAW ASSOCIATION, 54th CONFERENCE,
THE HAGUE, 23-29 August 1970.

Resolution and summary record in RICR, October, 1970,
pp. 665-666.

Official record

in preparation.

ICRC participant

Mr. F. Siordet

- 7) INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW, SANREMO,
INTERNATIONAL CONFERENCE ON HUMANITARIAN LAW :
"HUMAN RIGHTS AS THE BASIS OF
INTERNATIONAL HUMANITARIAN LAW",
San Remo, 25-27 September 1970.

Reports submitted to the Conference

- "Human Rights as the Basis of International Humanitarian Law" by A.H. Robertson, B.A., B.C.L., LL.M., S.J.D.
- "Human Rights and armed conflicts" by Prof. J. Patrnoic.
- "The Relationship between the Human Rights and the Law of Armed Conflicts" by Colonel G.I.A.D. Draper, O.B.E., LL.M.
- "The Sovereignty of the State and Human Rights" by Prof. Paul de la Pradelle.
- "The protection of the human being in developing diplomatic and consular law" by Adolfo Maresca.
- "International Humanitarian Law Penalties" by Prof. Avv. Filippo Gramatica.

Resolution

"Sanremo Declaration", in RICR, November 1970.

ICRC representative

Mr. F. Siordet.

PART TWO

INTERNATIONAL CONVENTIONS,
UNITED NATIONS RESOLUTIONS,
RESOLUTIONS ADOPTED BY INTERNATIONAL
RED CROSS CONFERENCES,
ICRC DOCUMENTS AND
OTHER DOCUMENTS.

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A. INTERNATIONAL CONVENTIONS

DECLARATION OF ST. PETERSBURG

OF 1868

to the Effect of Prohibiting the Use
of certain Projectiles in Wartime,

signed at St. Petersburg
November 29 - December 11, 1868.

On the proposition of the Imperial Cabinet of Russia, an International Military Commission having assembled at St. Petersburg in order to examine the expediency of forbidding the use of certain projectiles in time of war between civilized nations, and that Commission having by common agreement fixed the technical limits at which the necessities of war ought to yield to the requirements of humanity, the Undersigned are authorized by the orders of their Governments to declare as follows :

Considering :

That the progress of civilization should have the effect of alleviating as much as possible the calamities of war;

That the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy;

That for this purpose it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would therefore, be contrary to the laws of humanity;

The contracting Parties engage mutually to renounce, in case of war among themselves, the employment by their military or naval troops of any projectile of a weight below 400 grammes, which is either explosive or charged with fulminating or inflammable substances.

They will invite all the States which have not taken part in the deliberations of the International Military Commission assembled at St. Petersburg by sending Delegates thereto, to accede to the present engagement.

This engagement is compulsory only upon the Contracting or Acceding Parties thereto in case of war between two or more of themselves; it is not applicable to non-Contracting Parties, or Parties who shall not have acceded to it.

It will also cease to be compulsory from the moment when, in a war between Contracting or Acceding Parties, a non-Contracting Party or a non-Acceding Party shall join one of the belligerents.

The Contracting or Acceding Parties reserve to themselves to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may effect in the armament of troops, in order to maintain the principles which they have established, and to conciliate the necessities of war with the laws of humanity.

Done at St. Petersburg, the twenty-ninth of November - eleventh day of December one thousand eight hundred and sixty-eight.

INTERNATIONAL PEACE CONFERENCE
THE HAGUE 1907

IV

CONVENTION CONCERNING THE LAWS
AND CUSTOMS OF WAR ON LAND.

(Indication of the Contracting Powers)

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed the following as their Plenipotentiaries :

(Designation of the Plenipotentiaries.)

Who, after having deposited their full powers, found in good and due form, have agreed upon the following :

Article 1. The contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

Article 2. The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Article 3. A belligerent Party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

Article 4. The present Convention, duly ratified, shall as between the contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

Article 5. The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a "procès-verbal" signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the "procès-verbal" relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Article 6. Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The Government shall at once transmit to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

Article 7. The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the "procès-verbal" of this deposit, and in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Article 8. In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and only one year after the notification has reached the Netherland Government.

Article 9. A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2) or of denunciation (Article 8, paragraph 1) were received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith of which the Plenipotentiaries have appended their signatures on this Convention.

Done at The Hague, on the eighteenth day of October of the year thousand nine hundred and seven, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

ANNEX TO THE HAGUE CONVENTION
OF OCTOBER 18, 1907
(Convention No. IV of 1907)
REGULATIONS CONCERNING THE LAWS
AND CUSTOMS OF WAR ON LAND

SECTION I

BELLIGERENTS

CHAPTER I

The Qualifications of Belligerents

ARTICLE I

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions :

- (1) To be commanded by a person responsible for his subordinates ;
- (2) To have a fixed distinctive emblem recognizable at a distance ;
- (3) To carry arms openly ; and
- (4) To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination " army ".

ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article I, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

SECTION II
HOSTILITIES

CHAPTER I

Means of Injuring the Enemy ; Sieges and Bombardments

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE 23

In addition to the prohibitions provided by special Conventions, it is especially forbidden :

- (a) To employ poison or poisoned weapons.
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army.
- (c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion.
- (d) To declare that no quarter will be given.
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering.
- (f) To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention.
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.
- (h) To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE 25

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

ANNEX IV

GENEVA PROTOCOL OF JUNE 17, 1925
FOR THE PROHIBITION OF THE USE IN WAR
OF ASPHYXIATING, POISONOUS OR OTHER
GASES, AND OF BACTERIOLOGICAL METHODS
OF WARFARE

The undersigned Plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this Declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all

signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

In witness whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva in a single copy, the seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

GENEVA CONVENTIONS OF 12 AUGUST 1949

GENEVA CONVENTION
RELATIVE TO THE TREATMENT
OF PRISONERS OF WAR

(extracts)

PART I
GENERAL PROVISIONS

ARTICLE 1

<p>The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.</p>	<p>Respect for the Convention</p>
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ARTICLE 2

<p>In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them.</p>	<p>Application of the Convention</p>
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The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

<p>In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions :</p>	<p>Conflicts not of an international character</p>
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- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons :

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture ;
 - (b) taking of hostages ;
 - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment ;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognised as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy :

Prisoners
of war

- (1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions :
 - (a) that of being commanded by a person responsible for his subordinates ;
 - (b) that of having a fixed distinctive sign recognizable at a distance ;
 - (c) that of carrying arms openly ;
 - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a government or an authority not recognised by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided

that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention :

- (1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- (2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

ARTICLE 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

Beginning
and end of
application

ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Special
agreements

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Non-
renunciation
of rights

ARTICLE 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

Protecting
Powers

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

Activities of the
International
Committee
of the
Red Cross

ARTICLE 10

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

Substitutes
for
Protecting
Powers

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

ARTICLE II

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

Conciliation
procedure

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

GENEVA CONVENTION
RELATIVE TO THE PROTECTION OF
CIVILIAN PERSONS IN TIME OF WAR

(extracts)

PART II

GENERAL PROTECTION OF POPULATIONS
AGAINST CERTAIN CONSEQUENCES OF WAR

ARTICLE 13

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

Field of
application
of Part II

ARTICLE 14

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Hospital and
safety zones
and localities

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

ARTICLE 15

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction :

Neutralized
zones

- (a) wounded and sick combatants or non-combatants ;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

ARTICLE 16

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

Wounded
and sick
I.
General
protection

ARTICLE 17

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

II.
Evacuation

ARTICLE 18

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

III.
Protection
of hospitals

ARTICLE 19

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

IV.
Discontinuance
of protection
of hospitals

ARTICLE 20

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognisable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armband which they shall wear on the left arm while carrying out their duties. This armband shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armband, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

V.
Hospital
staff

ARTICLE 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

VI.
Land and sea
transport

ARTICLE 22

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

VII.
Air transport

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

ARTICLE 23

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

Consignment
of medical
supplies, food
and clothing.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing :

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

ARTICLE 24

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

Measures
relating to
child welfare

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

ARTICLE 25

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

Family news

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

ARTICLE 26

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organisations engaged on this task provided they are acceptable to it and conform to its security regulations.

Dispersed
families

PART III

STATUS AND TREATMENT OF PROTECTED
PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES
OF THE PARTIES TO THE CONFLICT
AND TO OCCUPIED TERRITORIES

ARTICLE 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Treatment
I.
General
observations

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ARTICLE 28

The presence of a protected person may not be used to render certain points or areas immune from military operations.

II.
Danger
zones

ARTICLE 29

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

III.
Respon-
sibilities

ARTICLE 30

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

Application to
Protecting
Powers and
relief
organizations

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

ARTICLE 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Prohibition of
coercion

ARTICLE 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

Prohibition of
corporal
punishment,
torture, etc.

ARTICLE 33

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Individual
responsibility,
collective
penalties,
pillage,
reprisals

ARTICLE 34

The taking of hostages is prohibited.

Hostages

B. RESOLUTIONS ADOPTED BY

THE UNITED NATIONS

ANNEX VI

RESOLUTION XXIII OF THE INTERNATIONAL CONFERENCE

ON HUMAN RIGHTS

Teheran, April-May 1968

The International Conference on Human Rights,

Considering that peace is the underlying condition for the full observance of human rights and war is their negation,

Believing that the purpose of the United Nations Organization is to prevent all conflicts and to institute an effective system for the peaceful settlement of disputes,

Observing that nevertheless armed conflicts continue to plague humanity,

Considering, also that the widespread violence and brutality of our times, including massacres, summary executions, tortures, inhuman treatment of prisoners, killing of civilians in armed conflicts and the use of chemical and biological means of warfare, including napalm bombing, erode human rights and engender counter-brutality,

Convinced that even during the periods of armed conflicts, humanitarian principles must prevail,

Noting that the provisions of the Hague Conventions of 1899 and 1907 were intended to be only a first step in the provision of a code prohibiting or limiting the use of certain methods of warfare and that they were adopted at a time when the present means and methods of warfare did not exist.

Considering that the provisions of the Geneva Protocol of 1925 prohibiting the use of "asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices" have not been universally accepted

or applied and may need a revision in the light of modern development,

Considering further that the Red Cross Geneva Conventions of 1949 are not sufficiently broad in scope to cover all armed conflicts,

Noting that States parties to the Red Cross Geneva Conventions sometimes fail to appreciate their responsibility to take steps to ensure the respect of these humanitarian rules in all circumstances by other States, even if they are not themselves directly involved in an armed conflict.

Noting also that minority racist or colonial regimes which refuse to comply with the decisions of the United Nations and the principles of the Universal Declaration of Human Rights frequently resort to executions and inhuman treatment of those who struggle against such regimes and considering that such persons should be protected against inhuman or brutal treatment and also that such persons if detained should be treated as prisoners of war or political prisoners under international law,

1. Requests the General Assembly to invite the Secretary-General to study :

- a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts, and
- b) The need for additional humanitarian international conventions or for possible revision of existing Conventions to ensure the better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare.

2. Requests the Secretary-General, after consultation with the International Committee of the Red Cross, to draw the attention of all States members of the United Nations system to the existing rules of international law on the subject and urge them, pending the adoption of new rules of international law relating to armed conflicts, to

ensure that in all armed conflicts the inhabitants and belligerents are protected in accordance with "the principles of the law of nations derived from the usages established among civilized peoples, from the law of humanity and from the dictates of the public conscience."

3. Calls on all States which have not yet done so to become parties to The Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, and the Geneva Conventions of 1949.

ANNEX VII

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty-third session
Agenda item 62

A/RES/2444 (XXIII)
13 January 1969.

2444 (XXIII) / RESPECT FOR HUMAN RIGHTS
IN ARMED CONFLICT

The General Assembly,

Recognizing the necessity of applying basic humanitarian principles in all armed conflicts,

Taking note of resolution XXIII on human rights in armed conflicts, adopted on 12 May 1968 by the International Conference on Human Rights, 1/

Affirming that the provisions of that resolution need to be implemented effectively as soon as possible,

1. Affirms resolution XXVIII of XXth International Conference of the Red Cross held at Vienna in 1965, which laid down, inter alia, the following principles for observance by all governmental and other authorities responsible for action in armed conflicts :

- a) that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- b) that it is prohibited to launch attacks against the civilian populations as such;

1/ See Final Act of the International Conference on Human Rights (United Nations publication, Sales No.: E.68.XIV.2) p. 18.

- c) that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible;

2. Invites the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:

- a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts;
- b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare;

3. Requests the Secretary-General to take all other necessary steps to give effect to the provisions of the present resolution and to report to The General Assembly at its twenty-fourth session on the steps he has taken;

4. Further requests Member States to extend all possible assistance to the Secretary-General in the preparation of the study requested in paragraph 2 above;

5. Calls upon all States which have not yet done so to become parties to the Hague Conventions of 1899 and 1907, 2/ the Geneva Protocol of 1925 3/ and the Geneva Conventions of 1949. 4/

1748th plenary meeting,
19 December 1968.

2/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations 1899-1907 (New York, Oxford University Press, 1918).

3/ League of Nations, Treaty Series, vol. XCIV (1929), No. 2138.

4/ United Nations, Treaty Series, vol. 75 (1950), Nos 970-973.

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty fourth session

A/Res/2597 (XXIV)
16 December 1969.2597 (XXIV) / RESPECT FOR HUMAN RIGHTS
IN ARMED CONFLICT

The General Assembly,

Reaffirming *its resolution 2444 (XXIII) of 19 December 1968 by which it recognized, inter alia, the necessity of applying the basic humanitarian principles in all armed conflicts,*

Noting *with satisfaction the report of the Secretary-General,*

Noting also *the relevant resolutions concerning human rights in armed conflicts adopted at the twenty-first International Conference of the Red Cross,*

Considering *that there has not been time at its twenty-fourth session for consideration of the item entitled " Respect for human rights in armed conflicts ",*

Recognizing *that the study requested in resolution 2444 (XXIII) should be continued with a view to including further data and developments, thus facilitating the presentation of concrete recommendations for the full protection of civilians, prisoners and combatants in all armed conflicts and for the prohibition and limitation of the use of certain methods and means of warfare,*

1. Requests *the Secretary-General to continue the study initiated by resolution 2444 (XXIII), giving special attention to the need for protection of the rights of civilians and combatants in conflicts which arise from the struggles of peoples under colonial and foreign rule for liberation and self-determination and to the better application of existing humanitarian international conventions and rules to such conflicts ;*

2. Requests *the Secretary-General to consult and co-operate closely with the International Committee of the Red Cross in regard to the studies being undertaken by that body on this question ;*

3. Requests *States Members of the United Nations to extend all possible assistance to the Secretary-General in the continuation of the study requested in paragraph 1 above ;*

4. Decides *to transmit the report of the Secretary-General to the Commission on Human Rights and to the Economic and Social*

Council for their comments to be submitted to the twenty-fifth session of the General Assembly ;

5. Decides to give the highest priority to this question at the twenty-fifth session of the General Assembly ;

6. Invites the Secretary-General to present a further report on this subject to the General Assembly at its twenty-fifth session.

1835th plenary meeting
16 December 1969.

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty fifth session

A/Res/2673 (XXV)
9 December 1970.PROTECTION OF JOURNALISTS ENGAGED ON
DANGEROUS MISSIONS IN AREAS OF ARMED CONFLICT

RESOLUTION 2673 (XXV)

The General Assembly,

Recalling *its resolution 2444 (XXIII) of 19 December 1968, in which it invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:*

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Recalling also *the fundamental principle that a distinction must be made at all times between combatants and persons not taking part in the hostilities,*

Considering *that it is essential for the United Nations to obtain complete information concerning armed conflicts and that journalists, whatever their nationality, have an important role to play in that regard,*

Noting with regret *that journalists engaged in missions in areas where an armed conflict is taking place sometimes suffer as a result of their professional duty, which is to inform world public opinion objectively,*

Bearing in mind *the appeal made by the Secretary-General on 30 September 1970 on behalf of missing journalists,*

Recognizing *that certain types of protection can be granted to journalists under:*

(a) Article 4 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949,

(b) Article 13 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949,

(c) Article 13 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949,

(d) Article 4 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Being aware, however, that these provisions do not cover some categories of journalists engaged in dangerous missions and do not correspond to their present needs,

Convinced of the need for an additional humanitarian international instrument to ensure the better protection of journalists engaged in dangerous missions, particularly in areas where an armed conflict is taking place,

1. Expresses its grave concern about the fate of press correspondents carrying out dangerous missions;

2. Expresses its deepest regret that some of those correspondents have paid with their lives for their conscientious approach to their missions;

3. Invites all States and all authorities parties to an armed conflict to respect and apply in all circumstances the provisions of the Geneva Conventions of 12 August 1949 in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not actually a part of them;

4. Invites the Economic and Social Council to request the Commission on Human Rights to consider at its next session the possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document;

5. Invites the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate international body;

6. Requests the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session;

7. Decides to give the highest priority to the consideration of this question at its twenty-sixth session.

9 December 1970

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty fifth session

A/Res/2674 (XXV)
9 December 1970.

RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

RESOLUTION 2674 (XXV)

The General Assembly,

Recalling *its resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 and noting resolution XXIII adopted by the International Conference on Human Rights held at Teheran in 1968,*

Referring to resolution XIII and to the other pertinent resolutions on human rights in armed conflicts adopted at the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,

Expressing its deep concern in connexion with the fact that wars unleashed in violation of the Charter of the United Nations in several parts of the world lead to incalculable disasters and suffering among civilians,

Having considered with appreciation the Secretary-General's report on respect for human rights in armed conflicts,¹

1. Solemnly reaffirms that, in order effectively to guarantee human rights, all States should devote their efforts to averting the unleashing of aggressive wars and armed conflicts that violate the Charter of the United Nations and the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

2. Condemns the actions of countries which, in flagrant violation of the Charter, continue to conduct aggressive wars and defy the generally accepted principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

3. Considers that the principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949 should be strictly observed by all States and that States violating these international instruments should be condemned and held responsible to the world community;

¹ A/8052.

4. Affirms that the participants in resistance movements and the freedom fighters in southern Africa and territories under colonial and alien domination and foreign occupation, struggling for their liberation and self-determination, should be treated, in case of their arrest, as prisoners of war in accordance with the principles of the Hague Convention of 1907 and the Geneva Conventions of 1949;

5. Considers that air bombardments of civilian populations and the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices, as well as bacteriological (biological) weapons, constitute a flagrant violation of the Hague Convention of 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

6. Recognizes the necessity of developing additional international instruments providing for the protection of civilian populations and freedom fighters against colonial and foreign domination as well as against racist régimes.

9 December 1970

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty fifth session

A Res/2675 (XXV)
9 December 1970.BASIC PRINCIPLES FOR THE PROTECTION OF
CIVILIAN POPULATIONS IN ARMED CONFLICTS.

RESOLUTION 2675 (XXV)

The General Assembly,

Noting that in the present century the international community has accepted an increased role and new responsibilities for the alleviation of human suffering in any form and in particular during armed conflicts,

Recalling that to this end a series of international instruments has been adopted, including the four Geneva Conventions of 1949,

Recalling further its resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts,

Bearing in mind the need for measures to ensure the better protection of human rights in armed conflicts of all types,

Noting with appreciation the work that is being undertaken in this respect by the International Committee of the Red Cross,

Noting with appreciation the reports of the Secretary-General on respect for human rights in armed conflicts,¹

Convinced that civilian populations are in special need of increased protection in time of armed conflicts,

Recognizing the importance of the strict application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Affirms the following basic principles for the protection of civilian populations in armed conflicts, without prejudice to their future elaboration within the framework of progressive development of the international law of armed conflict:

1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict.

¹ A/7720, A/8052.

2. *In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations.*

3. *In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.*

4. *Civilian populations as such should not be the object of military operations.*

5. *Dwellings and other installations that are used only by civilian populations should not be the object of military operations.*

6. *Places or areas designated for the sole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations.*

7. *Civilian populations, or individual members thereof, should not be the object of reprisals, forcible transfers or other assaults on their integrity.*

8. *The provision of international relief to civilian populations is in conformity with the humanitarian principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments in the field of human rights. The Declaration of Principles for International Humanitarian Relief to the Civil Population in Disaster Situations, as laid down in resolution XXVI, adopted by the twenty-first International Conference of the Red Cross, shall apply in situations of armed conflict, and all parties to a conflict should make every effort to facilitate this application.*

9 December 1970

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty fifth session

A/Res/2676 (XXV)
9 December 1970.

RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS.

RESOLUTION 2676 (XXV)

The General Assembly,

Recalling that the Preamble of the Charter of the United Nations affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes the achievement of international co-operation in solving international problems of a humanitarian character and the promotion of respect for human rights,

Reiterating the obligation of Member States for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the Charter and in other relevant documents of the United Nations,

Noting the obligation of Member States under the Charter to promote universal respect for, and observance of, human rights,

Recalling resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 in which it requested the Secretary-General in consultation with the International Committee of the Red Cross, to continue to study, inter alia:

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Believing, therefore, that the treatment accorded to victims of war and armed aggression is a concern of the United Nations,

Noting resolution XI, adopted by the twenty-first International Conference of the Red Cross, held at Istanbul in 1969, calling upon all parties to the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, to ensure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the Convention, and that all parties involved in an armed conflict, no matter how it is characterized, provide free access to prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross,

Considering that the direct repatriation of seriously wounded and seriously sick prisoners of war and the repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention of 1949 and the Charter of the United Nations,

1. Calls upon all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, so as to ensure the humane treatment of all persons entitled to the protection of the Convention and, inter alia, to permit regular inspection, in accordance with the Convention, of all places of detention of prisoners of war by a protecting Power or humanitarian organization such as the International Committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure the effective application of the Geneva Convention of 1949;

3. Requests the Secretary-General to exert all efforts to obtain humane treatment for prisoners of war, especially for the victims of armed aggression and colonial suppression;

4. Urges compliance with article 109 of the Geneva Convention of 1949, which requires the repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. Urges that combatants in all armed conflicts not covered by article 4 of the Geneva Convention of 1949 be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts, and urges those States which have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

9 December 1970

GENERAL ASSEMBLY OF UNITED NATIONS

Twenty fifth session

A/Res/2677 (XXV)
9 December 1970.

RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

RESOLUTION 2677 (XXV)

The General Assembly,

Determined to continue all efforts to eliminate the threat or use of force in international relations, in conformity with the Charter of the United Nations, and to bring about general and complete disarmament under effective international control,

Reaffirming its desire to secure the full observance of human rights applicable in all armed conflicts pending the earliest possible termination of such conflicts,

Convinced of the continuing value of existing humanitarian rules relating to armed conflicts, in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949,

Realizing, however, that because existing humanitarian rules do not adequately meet all contemporary situations of armed conflict it is necessary to develop the substance of these rules and procedures for their implementation,

Reaffirming the principles contained in resolution XXIII adopted by the International Conference on Human Rights, held at Teheran in 1968, and in General Assembly resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969,

Aware of the importance and complexity of the tasks undertaken in pursuance of these resolutions, which require the continuing attention and concern of the United Nations, the International Committee of the Red Cross and the international community as a whole,

Noting with appreciation the two reports of the Secretary-General on respect for human rights in armed conflicts,

Recalling resolution XIII adopted unanimously at the twenty-first International Conference of the Red Cross, held at Istanbul in 1969, concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,

Welcoming the decision of the International Committee of the Red Cross to convene at Geneva, from 24 May to 12 June 1971, a conference on the reaffirmation and development of international humanitarian law applicable to armed conflicts, to be attended by government experts,

Believing that one or more plenipotentiary diplomatic conferences of States parties to the Geneva Conventions and other interested States might be convened at an appropriate time, after due preparation, in order to adopt international legal instruments for the reaffirmation and development of humanitarian law applicable to armed conflict,

Considering that the effective implementation of humanitarian rules relating to armed conflicts can best be attained if those rules are laid down in widely accepted agreements,

Emphasizing the importance of continued close collaboration between the United Nations and the International Committee of the Red Cross,

1. Calls upon all parties to any armed conflict to observe the rules laid down in the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949 and other humanitarian rules applicable in armed conflicts, and invites those States which have not yet done so to adhere to those Conventions ;

2. Expresses the hope that the conference of government experts to be convened in 1971 by the International Committee of the Red Cross will consider further what development is required in existing humanitarian laws applicable to armed conflicts and that it will make specific recommendations in this respect for consideration by Governments ;

3. Requests the Secretary-General :

(a) To invite early comments by Governments on his reports ;

(b) To transmit his reports and the comments of Governments thereon, together with the records of relevant discussions and resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, to the International Committee of the Red Cross for consideration, as appropriate, by the conference of government experts ;

(c) To present the comments received to the General Assembly at its twenty-sixth session and to report at that session on the results of the conference of government experts to be convened by the International Committee of the Red Cross and on any other relevant developments ;

4. Decides to consider this question again, in all its aspects, at the twenty-sixth session.

9 December 1970

C. RESOLUTIONS ADOPTED BY
INTERNATIONAL CONFERENCES OF
THE RED CROSS

XXth INTERNATIONAL CONFERENCE
OF THE RED CROSS

Vienna, 1965

RESOLUTION VIII

Proclamation of the Fundamental Principles of the Red Cross

The XXth International Conference of the Red Cross

proclaims the following fundamental principles on which Red Cross action is based :

HUMANITY

The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours — in its international and national capacity — to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.

IMPARTIALITY

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours only to relieve suffering, giving priority to the most urgent cases of distress.

NEUTRALITY

In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

INDEPENDENCE

The Red Cross is independent. The National Societies while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles.

VOLUNTARY SERVICE

The Red Cross is a voluntary relief organisation not prompted in any manner by desire for gain.

UNITY

There can be only one Red Cross Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

UNIVERSALITY

The Red Cross is a world-wide institution in which all Societies have equal status and share equal responsibilities and duties in helping each other.

XXth INTERNATIONAL CONFERENCE
OF THE RED CROSS

Vienna, 1965

RESOLUTION XXVIII

**Protection of Civilian Populations
against the Dangers of Indiscriminate Warfare**

The XXth International Conference of the Red Cross,

in its endeavours for the protection of the civilian population, reaffirms Resolution No. XVIII of the XVIIIth International Conference of the Red Cross (Toronto, 1952), which, in consideration of Resolution No. XXIV of the XVIIth International Conference of the Red Cross (Stockholm, 1948) requested Governments to agree, within the framework of general disarmament, to a plan for the international control of atomic energy which would ensure the prohibition of atomic weapons and the use of atomic energy solely for peaceful purposes,

thanks the International Committee of the Red Cross for the initiative taken and the comprehensive work done by it in defining and further developing international humanitarian law in this sphere,

states that indiscriminate warfare constitutes a danger to the civilian population and the future of civilisation,

solemnly declares that all Governments and other authorities responsible for action in armed conflicts should conform at least to the following principles :

- that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- that it is prohibited to launch attacks against the civilian populations as such;
- that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible;

— that the general principles of the Law of War apply to nuclear and similar weapons;

expressly invites all Governments who have not yet done so to accede to the Geneva Protocol of 1925 which prohibits the use of asphyxiating, poisonous, or other gases, all analogous liquids, materials or devices, and bacteriological methods of warfare,

urges the ICRC to pursue the development of International Humanitarian Law in accordance with Resolution No. XIII of the XIXth International Conference of the Red Cross, with particular reference to the need for protecting the civilian population against the sufferings caused by indiscriminate warfare,

requests the ICRC to take into consideration all possible means and to take all appropriate steps, including the creation of a committee of experts, with a view to obtaining a rapid and practical solution of this problem,

requests National Societies to intervene with their Governments in order to obtain their collaboration for an early solution of this question and urges all Governments to support the efforts of the International Red Cross in this respect,

requests all National Societies to do all in their power to persuade their Governments to reach fruitful agreements in the field of general disarmament.

XXIst INTERNATIONAL CONFERENCE
OF THE RED CROSS
Istanbul, 1969

RESOLUTION XIII

**Reaffirmation and Development of the Laws and Customs
applicable in Armed Conflicts**

The XXIst International Conference of the Red Cross,

considering that armed conflicts and other forms of violence which continue to rage in the world, continuously imperil peace and the values of humanity,

noting that, in order to strive against such dangers, the limits imposed upon the waging of hostilities by the requirements of humanity and the dictates of the public conscience should be continuously reaffirmed and defined,

recalling the resolutions previously adopted on this matter by International Conferences of the Red Cross and, in particular, Resolution No. XXVIII of the XXth International Conference,

recognizing the importance of the United Nations General Assembly Resolution No. 2444 adopted on 19 December 1968 on respect for human rights in armed conflicts, as well as Resolution No. 2454 adopted on 20 December 1968,

having taken note with gratitude of the work undertaken by the ICRC in this field, following Resolution No. XXVIII of the XXth International Conference and, in particular, of the extensive report which the ICRC has prepared on this subject,

underlines the necessity and the urgency of reaffirming and developing humanitarian rules of international law applicable in armed conflicts of all kinds, in order to strengthen the effective protection of the fundamental rights of human beings, in keeping with the Geneva Conventions of 1949,

requests the ICRC on the basis of its report to pursue actively its efforts in this regard with a view to

1. proposing, as soon as possible, concrete rules which would supplement the existing humanitarian law,
2. inviting governmental, Red Cross and other experts representing the principal legal and social systems in the world to meet for consultations with the ICRC on these proposals,
3. submitting such proposals to Governments for their comments, and,
4. if it is deemed desirable, recommending the appropriate authorities to convene one or more diplomatic conferences of States parties to the Geneva Conventions and other interested States, in order to elaborate international legal instruments incorporating those proposals,

encourages the ICRC to maintain and develop, in accordance with the United Nations General Assembly Resolution No. 2444, the co-operation established with that organisation in order to harmonize the various studies undertaken, and to collaborate with all other official and private organisations with a view to ensuring the co-ordination of such studies,

requests National Red Cross Societies to create active public interest in such a cause, which is of concern to all mankind,

urges all Governments to support the efforts of the International Red Cross in this respect.

D. TEXTS OF THE I.C.R.C.

ANNEX XVII

MEMORANDUM

PROTECTION OF CIVILIAN POPULATIONS

AGAINST THE DANGERS OF

INDISCRIMINATE WARFARE

Geneva, May 19, 1967

To the Governments Parties to the 1949 Geneva Conventions for the Protection of War Victims and to the IVth Hague Convention of 1907 concerning the Laws and Customs of War on Land

I

As a result of its humanitarian action in connection with armed conflicts, the International Committee of the Red Cross has become ever increasingly aware of the imperative necessity for nations to renounce force as a means of settling disputes, to agree to reduce armaments and to establish peaceful and confident relations amongst themselves. The Red Cross contributes, within its own sphere of action, by every means available to it, towards these ends.

Until such time as these objectives have been achieved - and so long as the scourge of armed conflicts, even of a limited nature, continues to subsist or to arise - it is, however, of paramount importance that the humanitarian rules destined to safeguard the essential values

of civilisation and to facilitate thereby the re-establishment of peace should be strictly observed in such extreme situations. These rules are laid down, in particular, in the Geneva and Hague Conventions as well as in customary law. The International Committee desires to issue a solemn reminder of this necessity, which has incidentally been recalled by various International Conferences of the Red Cross, at which the Governments were represented.

II

As a result of technical developments in weapons and warfare, given also the nature of the armed conflicts which have arisen in our times, civilian populations are increasingly exposed to the dangers and consequences of hostilities. The International Committee, which has long been deeply concerned by this grave threat, is certain that it reflects public opinion by calling once again the earnest attention of all Governments to the principles which the XXth International Conference of the Red Cross, at Vienna in 1965, proclaimed in its Resolution No. XXVIII, thereby confirming the prevailing law.

Indeed, in its Resolution - the full text of which is attached hereto - the Conference solemnly declared that:

all Governments and other authorities responsible for action in armed conflicts should conform at least to the following principles:

- that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- that it is prohibited to launch attacks against the civilian populations as such;
- that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible;

- that the general principles of the Law of War apply to nuclear and similar weapons.

In order for these principles to be fully operative, the International Committee urgently requests Governments to sanction them and, if need be, to develop them in an adequate instrument of international law. The International Committee is prepared to assist in drawing up such an instrument.

In addition, without awaiting the entry into force of this instrument and the possible achievement of an agreement between the Powers concerned for the formal prohibition of weapons of mass destruction, the International Committee invites the Governments to reaffirm, as of now, through any appropriate official manifestation, such as a resolution of the United Nations General Assembly, the value they attach to the principles cited above. Moreover, these principles could henceforth be referred to in the instructions given to the armed forces.

III

Another aspect of this problem is also of deep concern for the International Committee and calls for the sympathetic attention of Governments.

The observance of rules destined, in case of armed conflicts, to safeguard essential human values being in the interest of civilisation, it is of vital importance that they be clear and that their application give rise to no controversy. This requirement is, however, by no means entirely satisfied. A large part of the law relating to the conduct of hostilities was codified as long ago as 1907; in addition, the complexity of certain conflicts sometimes places in jeopardy the application of the Geneva Conventions.

No one can remain indifferent to this situation which is detrimental to civilian populations as well as to the other victims of war. The International Committee would

greatly value information on what measures Governments contemplate to remedy this situation and in order to facilitate their study of the problem it has the honour to submit herewith an appropriate note.

For the International Committee
of the Red Cross

Samuel A. GONARD
President

Annex

SUMMARY REVIEW OF INTERNATIONAL LAW RULES CONCERNING
THE PROTECTION OF CIVILIAN POPULATIONS AGAINST THE
DANGERS OF INDISCRIMINATE WARFARE

The basic rule is laid down in article 22 of the Regulations concerning the Laws and Customs of War on Land, annexed to the Fourth Hague Convention of October 18, 1907, namely: "the right of belligerents to adopt means of injuring the enemy is not unlimited". From this principle, still valid and confirmed by the XXth International Conference of the Red Cross, the following rules are derived.

1. Limitation for benefit of persons

Whilst combatants are the main force of resistance and the obvious target of military operations, non-combatants shall not be subject to and shall not participate in hostilities. It is therefore a generally accepted rule that belligerents shall refrain from deliberately attacking non-combatants. This immunity to which the civilian population by and large is entitled - provided it does not participate directly in hostilities - has not been clearly defined by international law, but in spite of many examples of blatant disregard for it, it is still one of the main pillars of the law of war.

In 1965 the International Conference of the Red Cross in Vienna formulated (in its Resolution XXVIII) the following requirement as one of the principles affecting civilians during war and to which governments should conform, viz: "... distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible."

A major rule deriving from the general norm quoted above is that bombardments directed against the civilian population as such, especially for the purpose

of terrorising it, are prohibited. This rule is widely accepted in the teachings of qualified writers, in attempts at codification and in judicial decisions; in spite of many violations, it has never been contested. The XXth International Conference of the Red Cross, moreover, did not omit to re-state it.

International law does not define civilian population. Of course, any sections of the population taking part in hostilities could hardly be classified as civilian. The view is general that civilians staying within or in close proximity to military objectives do so at their own risk. But when such people leave objectives which may be attacked and return to their homes they may no longer be subject to attack.

Another rule deriving from the general norm is that belligerents shall take every precaution to reduce to a minimum the damage inflicted on non-combatants during attacks against military objectives.

This latter rule is perhaps less widely admitted than those previously mentioned. However, in an official resolution of September 30, 1938, the League of Nations considered it fundamental and it has been given effect in the instructions which many countries have issued to their air forces.

The precautions to which allusion is made would include, for the attacking side, the careful choice and identification of military objectives, precision in attack, abstention from target-area bombing (unless the area is almost exclusively military), respect for and abstention from attack on civil defence organizations: the adversary being attacked would take the precaution of evacuating the population from the vicinity of military objectives.

As can be seen, the obligation incumbent on the attacking forces to take precautions depends in part on the "passive" precautions taken by the opposite side, or, in other words, the practical steps taken by each belligerent to protect its population from consequences of attacks. What is the extent of such an obligation? In some attempts at drafting regulations it has been suggested that bombing attacks should not be carried out

if there is strong probability of indiscriminate effect causing the population to suffer. The International Committee of the Red Cross, for its part, proposed, in its appeal of March 12, 1940, that belligerents should recognize the general principle that an act of destruction shall not involve harm to the civilian population disproportionate to the importance of the military objective under attack. On a number of occasions, and recently by qualified writers, by experts and by some army manual of the laws and customs of war, this rule has been re-stated.

2. Target limitation

In this connection, the accepted rule is that attacks may only be directed against military objectives, i.e. those of which the total or partial destruction would be a distinct military advantage.

There has always been an accepted distinction between the fighting area and the zones behind the lines. This distinction is purely technical in origin, the theatre of operations depending on the ground gained by the advancing troops and the range of weapons. Until the advent of air raids, areas behind the firing lines were in fact immune from hostilities.

This out-dated concept was the basis for the law of conventional warfare, i.e., in the main, articles 25 to 27 of the Regulations annexed to the IVth Hague Convention of 1907. In those articles the word "bombardment" must be construed to mean "shelling"; since that time the aeroplane has made air bombardments possible well behind the lines.

Nowadays, a belligerent's whole territory may be considered a theatre of hostilities. The 1907 rules are still applicable to the fighting area at the front. So far as areas well behind the lines are concerned, they are in part out of date.

Although during the Second World War indiscriminate bombardments wrought widespread havoc, no government has attempted to have the practice recognized as lawful. The contrary has in fact been the case. States

have shown a marked tendency to justify their air bombardments as reprisals against an enemy who first had recourse to this method, or, as in the case of the use of the atomic bomb, as an exceptional measure dictated by overriding considerations, such as the saving of human lives by putting an end to the war quickly.

Our first rule of target limitation is not contained in treaty law, but its validity is founded on many official statements, made particularly during the Second World War and the wars of Korea and Vietnam. It has been evolved progressively by analogy with a provision contained in the IXth Hague Convention of 1907; this authorizes naval shelling of certain important military objectives, even if these are situated in undefended towns. The 1949 Geneva Conventions and the 1954 Hague Convention contain several references to the concept of military objective.

Several documents, such as the draft issued by the Commission of government jurists who met in The Hague (December 1922 - February 1923) and the Draft Rules drawn up in 1956 by the International Committee of the Red Cross, have suggested definitions or lists of military objectives. It is generally admitted that an objective is military only if its complete or partial destruction confers a clear military advantage. It is held, also, that any attacking force, before bombing an objective, shall identify it and ascertain that it is military.

There are buildings which cannot under any circumstances be considered as military objectives; they are given the benefit of special immunity under the Geneva Conventions (I, art. 19, IV, art. 18), the Hague Regulations of 1907 (art. 27), and the 1954 Hague Convention relating to the protection of cultural property (art. 4), namely belligerents will in particular spare charitable, religious, scientific, cultural and artistic establishments as well as historic monuments. In addition, under the Fourth Geneva Convention, belligerents may, by special agreement, set up safety or neutralized zones to shelter the civilian population, particularly the weaker members thereof, in order to provide them, under such agreement, with special protection against the effects of hostilities.

These Conventions stipulate that it is the duty of the authorities to indicate the presence of such buildings and zones by special signs.

Mention must also be made of article 25 of the Regulations annexed to the IVth Hague Convention of 1907, considered for years as one of the fundamentals of the law of war namely: "The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited". The subsequent development of air warfare has vitiated this provision so far as areas behind the fighting lines are concerned; it is a provision which has been supplanted by the military objective concept. It is nevertheless still valid for ground fighting. When localities offer no resistance, an enemy who is able to take them without a fight shall, in the interest of the population, abstain from attack and useless destruction.

It has become customary to declare towns "open" if it is not intended to defend them against an enemy who reaches them.

3. Limitations on weapons and their use

In this respect the basic rule is article 23 (e) of the Regulations annexed to the IVth Hague Convention of 1907, namely: "It is forbidden to employ arms, projectiles or material calculated to cause unnecessary suffering."

Its characteristic is that its aim is not only to spare non-combatants, but also to avoid any suffering to combatants in excess of what is essential to place an adversary hors de combat. This implies that weapons and methods as described below should not be used. Due to the nature of modern war, this field of law no longer concerns only combatants, but also civilian population.

a) Weapons inflicting needless suffering

The Conventions of The Hague and of St. Petersburg prohibit the use of "Poison or poisoned weapons" (Hague Regulations, art. 23,a), "any projectile of a weight below 400 grammes which is either explosive or

charged with fulminating or inflammable substances" (St. Petersburg Declaration, 1864) and so-called "dumdum" bullets "which expand or flatten in the human body" (Hague Declaration, 1899).

It might well be asked whether such new weapons as napalm and high velocity rockets should not be included in this category. They have not so far been expressly prohibited but they do cause enormous suffering and the general prohibition which forms the sub-heading to this section seems applicable to them.

Mention must also be made of a clause in the St. Petersburg Declaration to the effect that parties thereto reserve the right to come to an understanding whenever a precise proposition shall be drawn up concerning any technological developments in weapons, with a view to maintaining the principles they have established and reconciling the necessities of war to the laws of humanity. It is unfortunate that States have not followed up this suggestion which today is as valid as ever.

b) "Blind" weapons

These weapons not only cause great suffering but do not allow of precision against specific targets or have such widespread effect in time and place as to be uncontrollable. They include, for instance, chemical and bacteriological weapons, floating mines and delayed action bombs, whose insidious effects are such that they preclude relief action.

The Geneva Protocol of June 17, 1925, prohibiting the use in war of asphyxiating, poisonous and other gases and of bacteriological methods of warfare has replaced older prohibitions (the 1899 Hague Convention, the Treaty of Versailles) and shall be considered as the expression of customary law. In an almost unanimous resolution on December 5, 1966 - which affirms that the strict observance of the rules of international law on the conduct of warfare is in the interest of maintaining the accepted norms of civilisation - the United Nations General Assembly called for strict observance by all States of the principles and objectives of this Protocol, and condemned all actions contrary to those objectives. This very brief Protocol is in the

nature of a Declaration subject to ratification by the Powers and binding them in the event of conflict with any co-signatories. This formula seems to have been well chosen and remarkably successful; only one violation has been recorded. It should be pointed out, however, that almost eighty States are not participants.

Unanimous agreement on the interpretation of this prohibition has not been achieved by qualified writers. The Protocol mentions not only asphyxiating gases but also "others" gases. Does this mean all gases or only those which are a hazard to life and health?

The major problem however has been set by nuclear weapons.

In a resolution adopted on November 24, 1961, the United Nations General Assembly stated that the use of nuclear and thermo-nuclear weapons, which exceed even the field of war and cause uncontrollable suffering and destruction to humanity and civilization, "is contrary to international law and to the laws of humanity". It must be added, however, that this resolution was not adopted unanimously, did not cover the case of reprisals and, what is more, it envisaged at some future date the signing of a Convention on the prohibition of nuclear weapons, and it also requested the United Nations Secretary-General to hold consultations with governments on the possibility of convening a special Conference for that purpose.

Until such a Convention has been drawn up and widely ratified - it is still not yet known when this special Conference will meet - the fact must be faced that qualified writers differ on this question. It is not our aim here to decide this important controversy. We would state merely that the use of atomic energy was unknown. However this does not justify its use: in the implementation of the law of war, as any other law, general principles must apply to cases not previously foreseen. It is in fact these very principles which the present survey reviews, i.e.: no attack on the civilian population per se, distinction between combatants and non-combatants, avoidance of unnecessary suffering, only military objectives to be targets for attack, and even in this latter case, the taking of every precaution to

spare the population.

This view was proclaimed by the XXth International Conference of the Red Cross which met in Vienna in 1965. The Resolution No. XXVIII then adopted postulated certain essential principles of protection for civilian populations and added that "the general principles of the Law of War apply to nuclear and similar weapons". This does not imply that the Conference intended to make any decision on the legitimacy of using such weapons; it merely made it clear that in any event nuclear weapons, like any others, were subject to these general principles until such time as governments came to an understanding on measures for disarmament and control with a view to a complete prohibition of the use of atomic energy in warfare.

ANNEX XVIII

Letter of 18.9.1968 to the
United Nations Secretary-General

Dear Secretary-General,

I have the honour to follow up the letter of August 20, 1968 which Mr. Rolz-Bennett, Under-Secretary-General for Special Political Affairs, sent me in accordance with your instructions concerning the resolution entitled "Human rights in armed conflicts", adopted by the International Conference on Human Rights which was held this spring in Teheran. When sending me a copy of this resolution and referring in particular to operative paragraph 2 which mentions our institution, Mr. Rolz-Bennett asks to have the views of the International Committee of the Red Cross on this resolution and what action the United Nations might take on it.

Our serious attention had already been drawn to that resolution which, in fact, concerns matters which are closely connected with our work and our preoccupations. As you know from the memorandum, to which I refer later on, already in May 1967 the International Committee brought to the notice of governments the unsatisfactory state of the rules for the limitation of hostilities. We were therefore very pleased to see confirmed by the governments meeting in Teheran, the importance, taken for the safeguard of the individual, at the same time as the efforts so necessary for the maintenance of peace and for disarmament - of those measures which aim not only at ensuring the regular observation of existing humanitarian international law, but also at developing this law in relation with new conditions.

His Excellency U Thant
Secretary-General
United Nations Organization

NEW YORK

This is to tell you that we have received your request, transmitted by Mr. Rolz-Bennett, with great interest. It moreover follows up the brief conversation I had the pleasure of having with you on the subject when you visited Geneva at the beginning of July. We were also able to discuss this matter in Geneva with Mr. Stavropoulos, Legal Adviser to UNO and Mr. Schreiber, Director of the Division of Human Rights.

Since you ask me the International Committee's view on this resolution, I would like to indicate the following :

- a) On analyzing the text of the resolution, it can be seen that point 3 is sufficient by itself and does not call for any practical sequel. One should restrict oneself to hoping that all governments should rapidly implement, if necessary, this demand to accede to the existing Conventions.
- b) Point 1 contains an invitation to the General Assembly to charge the Secretary-General with a mandate. Such mandate will not, it appears, become executory unless the General Assembly takes it up on its own account, probably on the basis of a draft resolution which would be proposed to the General Assembly by one or more member States.

The studies which the Secretary-General is requested to undertake concern a sphere very similar to that in which has been the efforts deployed by the International Committee these last few years, not only to improve the application of the Geneva Conventions or to develop them in certain respects, but also to urge the concluding of new agreements for the strengthening of the protection of civilian populations.

More recently, basing itself on observations and the experience it has had of armed conflicts in the last decade, the International Committee has considered it essential to extend its work still further. It has therefore decided to take all preparatory steps and studies likely to lead to the reaffirmation and the development of laws and customs of humanitarian character in armed conflicts. To this end, it has already started, with the help of experts, to draw up a list of the

problems arising from the rules still in force, from those which need to be reaffirmed or developed and from gaps to be filled.

Taking the above into account, we would much appreciate being informed of what steps may eventually be taken as regards this part of the resolution and we are prepared to give you every assistance you may require in the studies you may be called upon to undertake.

- c) As regards point 2, this seems to request the Secretary-General to take action now with the member States, by drawing their attention in particular to the protection which must be accorded to inhabitants and belligerents by virtue of the so-called "de Martens" clause, extracted from the preamble to the IVth Hague Convention of 1907.

The Red Cross was prompted by similar considerations when in 1965, at the XXth International Conference in Vienna, it adopted Resolution XXVIII which contains the following passage :

"(The Conference)... solemnly declares that all Governments and other authorities responsible for action in armed conflicts should conform at least to the following principles:

- that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- that it is prohibited to launch attacks against the civilian populations as such;
- that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible;
- that the general principles of the Law of War apply to nuclear and similar weapons."

In its memorandum of May 19, 1967, of which you have received a copy, the International Committee recalled these principles to all Governments requesting them to embody them, if need be with the necessary developments, in an adequate instrument of international law and, in the meantime, at once to mark

the value which they attached to these general standards "through any appropriate official manifestation, such as a resolution to the United Nations General Assembly".

Several Governments have encouraged us on this path and declared themselves prepared, last year, to submit a resolution to that effect to the General Assembly. Unfortunately, events in the Near East and concentration of all efforts on the non-proliferation of nuclear weapons have, it appears, postponed the realization of this project. You have been kept closely informed of these steps.

The submission this autumn to the General Assembly of the Teheran resolution could be the occasion of realizing these intentions under a somewhat different form. Could it not be possible, in particular, that the General Assembly, whilst asking that the thorough studies proposed by the Teheran resolution could be undertaken, reaffirms certain essential principles of protection which, at the least, be respected in every armed conflict? Whilst awaiting the results of these studies and the adoption of new or revised provisions, which require time, we consider that any propitious opportunity should be taken to recall the rules, whether written or not, recognized by the international community and whose scrupulous observation could already save so many human lives

At all events, we have the intention of sending an observer to New York to follow the discussion on the subject before the General Assembly, who will be at your disposal and at that of delegations or bodies which may wish to consult him.

We avail ourselves of this opportunity to assure you, Sir, of our highest consideration.

S.A. Gonard

Development of International Humanitarian Law

GENEVA, 15 APRIL 1970

*To the Central Committees of Red Cross, Red Crescent and Red Lion
and Sun Societies*

LADIES AND GENTLEMEN,

The XXIst International Conference of the Red Cross, meeting at Istanbul in September 1969, devoted its Resolution XIII to the reaffirmation and development of the laws and customs applicable in armed conflicts. That resolution, the text of which is appended hereto, assigns to the International Committee of the Red Cross some heavy tasks, in particular that of drawing up proposals in that field for submission to governments.

The International Committee set to work immediately after the Conference, for the undertaking is of obvious urgency. With the assistance of consultants of various nationalities, the International Committee is at this moment compiling full documentary material containing concrete proposals which it intends to submit in the Spring of 1971 to a conference of governmental experts who, in accordance with the aforesaid resolution, should be representative of the world's main legal and social systems. That conference, to which some thirty governments will be invited to send experts may be followed by a second.

The International Committee hopes to be able in this way to draft proposals likely to meet with approval as widely as possible and which it will submit to all States parties to the Geneva Conventions.

In addition, complying with the wish expressed by the International Conference of the Red Cross, the Committee is maintaining

close liaison with the United Nations Organization, and particularly with the Secretary-General. It was represented, inter alia, at the General Assembly's proceedings which resulted in Resolution 2597 encouraging the Secretary-General to continue his studies in co-operation with the International Committee, with particular attention to certain subjects. A representative of the Committee also attended the meeting of the Human Rights Commission in March 1970 at New York, when it examined the Secretary-General's report. Moreover, to co-operate with the Secretary-General in these studies, as desired by the General Assembly, the International Committee will provide him with a preliminary report on non-international armed conflicts, guerrilla warfare, and the status of irregular combatants.

Furthermore, as the Istanbul Resolution XIII encourages it, with a view to co-ordination of work, the ICRC continues to concern itself actively for the studies and events, often of genuine value, which private organizations devote to certain aspects of humanitarian law. It has given accounts of some of those events in its periodical publications.

As it has always done in matters of this kind, the International Committee is making a point of associating National Societies closely in this important undertaking. It will keep them regularly informed on progress, either in circular letters or in news bulletins. It expresses the hope that National Societies will forthwith send it any advice or suggestions they wish to offer. Already at this present stage, any further remarks concerning the two reports entitled " Reaffirmation and Development of the Laws and Customs applicable in Armed Conflicts " and " Protection of Victims of Non-International Conflicts " which the Committee submitted to the XXIst International Conference will be of the greatest value.

If National Societies particularly interested in these problems so wish, the International Committee would be prepared to convene them to a meeting, so that they may exchange their observations with it and among themselves. Such a meeting could take place either at the end of this year or at the beginning of 1971, as it would be useful to hold it before the conference of governmental experts advocated by the XXIst Conference.

The International Committee thanks beforehand those National Societies which, following this circular, are kind enough to let it have their suggestions.

Yours sincerely,

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Marcel A. NAVILLE

President

ANNEX XX

Letter of the ICRC addressed to the
Governments invited to the Conference
of Governmental Experts on the
Reaffirmation and Development of the
International Humanitarian Law
applicable in Armed Conflicts.

Geneva, 22 October, 1970

Sir,

The XXIst International Conference of the Red Cross (Istanbul, September 1969), at which your Government was represented, unanimously adopted Resolution XIII on the "Reaffirmation and Development of the Laws and Customs applicable in Armed Conflicts". This important resolution requests the International Committee of the Red Cross, inter alia, to pursue actively its efforts with a view to working out, as soon as possible, concrete proposals of rules which would supplement the existing international humanitarian law, and inviting governmental experts to meet for consultations with the International Committee on these proposals.

On the basis of this resolution, the International Committee has decided to convene in Geneva from 24 May to 12 June 1971, a Conference of governmental experts on the reaffirmation and development of international humanitarian law applicable in armed conflicts. This conference should permit the International Committee to submit more developed proposals to all Governments, at a later stage.

In accordance with the above-mentioned resolution, which provides for a meeting of governmental experts representing the principal legal and social systems in the world, and taking into consideration the active interest that many Governments have shown so far in the efforts of the Red Cross in this field, the International Committee has drawn up a list of thirty-nine Governments, attached herewith (Annex I), including your own Government. It has thus the honour of inviting your Government to delegate experts to this conference.

The International Committee also encloses a provisional list (Annex II) of the subjects to be submitted to the conference. The latter could distribute the study of these among two or three commissions to be set up by the conference, in order that a thorough examination of each item should be more easily carried out. Should it turn out that not all the subjects are examined within the period decided upon, or that the study of some of them cannot be completed, a second session of the Conference of governmental experts could be held in the autumn of 1971.

In order to bring to a successful conclusion the task assigned to it by the said Resolution XIII, the International Committee, which, for over a hundred years, has exerted itself for the constant adaptation of international law to the new requirements of mankind, intends to have recourse to the well-tried methods it had followed in order to prepare the draft projects of the Geneva Conventions. After the XXIst International Conference of the Red Cross, it has actively pursued its studies with a view to working out concrete proposals of rules in the fields under consideration. In particular, it has consulted, in their private capacity, a large number of experts from the principal regions of the world and it has taken part in most public and private meetings where discussions have taken place on connected questions.

On the basis of these consultations and of the information thus obtained, the International Committee is at present engaged in the preparation of relevant documentation on the whole of the problems mentioned in the annex. This documentation, together with concrete proposals, will be sent early next year to the Governments whose experts will participate in the conference.

In addition, the International Committee is keeping in close touch with the United Nations, and, in particular, with the Secretary-General, in accordance with the co-operation urged by the General Assembly in its resolution 2597 (XXIV). It is following carefully the proceedings of the twenty-fifth session of the General Assembly, especially with regard to item 47 on its agenda, concerning "Respect of Human Rights in Time of Armed Conflicts".

Moreover, the International Committee, desiring, as usual, to associate National Red Cross, Red Crescent and Red Lion and Sun Societies in its work, will organize a meeting of experts from these National Societies early in March 1971.

The International Committee will not fail, in due course, to send to your Government a more detailed programme of the Conference of governmental experts, together with a provisional agenda and all other necessary details as to its organization.

It is the earnest hope of the International Committee that your Government will decide to send an affirmative reply to this invitation, in which event it would be most grateful if it could be informed of this decision as soon as possible.

Please accept, Sir, the assurances of our highest consideration.

Marcel A. Naville

Annex I

Algeria
Argentina
Australia
Austria
Belgium
Brazil
Burma
Canada
China, People's Republic of
Cuba
Ethiopia
Finland
France
Germany (Democratic Republic)
Germany (Federal Republic)
Hungary
India
Israel
Italy
Japan
Kenya
Mexico
Netherlands
Nigeria
Norway

Pakistan
Philippines
Poland
Romania
Saudi Arabia
Senegal
Spain
Sweden
Switzerland
Union of Soviet Socialist Republics
United Arab Republic
United Kingdom
United States of America
Yugoslavia

Annex II

CONFERENCE OF GOVERNMENTAL EXPERTSI. PROVISIONAL LIST OF SUBJECTS FOR DISCUSSION

The subjects which the International Committee wishes to submit for discussion by the Conference of governmental experts are substantially the same as the ones it has submitted, in its various reports, to the XXIst International Conference of the Red Cross and which were the object, inter alia, of Resolutions XIII to XVIII. Details about these reports and resolutions are shown below (section II).

In the following list, the indications between brackets under each chapter-heading are not exhaustive and are mentioned chiefly as examples. The list does not prejudge that the International Committee of the Red Cross will suggest that the conference should examine these items in the order given.

1. Measures intended to reinforce the implementation, in armed conflicts, of existing international humanitarian law

(Dissemination of humanitarian principles and rules, national legislation for their application and instructions to be given to the armed forces - reinforcement of rules relative to the supervision of the regular observance of existing law and to the sanction of violations - Protecting Powers and their substitutes - problem of reprisals).

2. Strengthening of the protection of civilian populations against dangers of hostilities

(Reaffirmation of the immunity of the civilian population as such - distinction to be observed between non-military elements and military objectives in case of attacks - precautions to be taken as to fighting methods or the choice between different means of combat in order to spare the population - precautions to be taken by the authorities of the State to which it belongs - creation of zones or localities enjoying a particular status in view of their special protection - guarantees to be afforded to the personnel of non-military civil defence bodies).

3. Humanitarian rules relative to behaviour between combatants

(Reaffirmation and determination of the rules limiting needless forms of suffering and prohibiting certain methods of warfare : treatment of an enemy who surrenders - quarter - prohibited ruses - violation of protected emblems - problem of parachutists).

4. Protection of victims of non-international armed conflicts

(Notion and qualification of non-international armed conflicts - effective observance and development of rules applicable in these conflicts and which concern the treatment of victims and the conduct of hostilities - possible extension of certain rules to situations of internal disturbances and tensions).

5. Status of combatants and the problem of guerrilla warfare

(Possible definition and development of humanitarian rules with regard to the qualification of combatants, as well as the status and treatment of prisoners - rules relative to the conduct of hostilities in guerrilla warfare and duties incumbent upon parties to the conflict to spare the civilian population).

6. Protection of the wounded and sick

(Strengthening of existing guarantees - protection and marking of civilian medical personnel - strengthening of the safety of civilian medical transports and the problem of marking them - extension of certain rules to non-international armed conflicts).

ANNEX XXI

Circular No. 481

Geneva, 28 October 1970

CONFERENCE OF RED CROSS EXPERTS ON THE
REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL
HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS

To the Central Committees of National
Red Cross, Red Crescent and Red Lion and Sun Societies

Ladies and Gentlemen,

In its circular No. 478 of 15 April 1970, the International Committee of the Red Cross had the honour to inform you of its work since the XXIst International Conference of the Red Cross with a view to the reaffirmation and development of international humanitarian law applicable in armed conflicts, consistent with several resolutions adopted by that conference.

The International Committee stressed also its desire to associate closely, as usual, the National Societies in this important undertaking and its readiness, if National Societies giving special attention to these problems so desired, to convene them to a conference at which they might exchange views among themselves and with it.

The International Committee is pleased to inform you that, in view of the favourable response from many Societies, it has decided to organize, for the beginning of next year, a conference to which Societies specially interested in these problems may delegate experts. In addition, as it had the pleasure of stating at the informative meeting it held last September, during the meeting of the League Executive Committee, the Netherlands Red Cross, in keeping with the active interest it has always shown for this work, has kindly offered to welcome the conference in the Peace Palace (at the premises of the International Law Academy), in The Hague. It will therefore be in that town that the conference, which the International Committee will convene in agreement with the Netherlands Red Cross, will take place from 1 to 6 March 1971.

The results of the meeting, which will be of a purely Red Cross character, may be communicated to the Conference of Government Experts which will take place three months later in Geneva, from 24 May to 12 June 1971, and which some forty government experts will attend.

As customary for such meetings, travel expenses and the cost of staying in The Hague will be borne by the delegations. The Netherlands Red Cross will shortly send all National Societies relevant information on arrangements for the meeting and accommodation in The Hague.

The main purpose of the meeting will be to proceed to a wide exchange of views on the matters dealt with in several of the International Committee's reports on the reaffirmation and development of international humanitarian law to the XXIst International Conference and which are, inter alia, the subject matters of that Conference's resolutions XIII to XVIII. A list of these subjects is attached hereto. In the framework of this exchange of views, National Societies may raise problems which are of increasing concern to the International Red Cross by reason of the armed conflicts and tensions which have arisen in the last few years and which often place heavy responsibility for practical action upon the shoulders of National Societies.

The International Committee should be grateful to National Societies if they would let it have their suggestions concerning the enclosed list of subjects for discussion. A more detailed provisional programme - for which the International Committee will take into consideration suggestions

received - will in due course be sent to National Societies. They will also receive a copy of the documentary material, accompanied by concrete proposals, which the International Committee is preparing for the meeting of governmental experts and which it will send to the governments concerned at the beginning of next year.

As mentioned in its aforesaid circular, the International Committee is maintaining close liaison with the United Nations, particularly its Secretary-General. Consistent with the co-operation recommended by the UN General Assembly resolution 2597 (XXIV), it has periodically supplied the UN Secretary-General with documents and information on the legal studies under way and it is following with attention the work of the twenty-fifth session of the General Assembly, particularly that relating to its agenda item 47 : "Respect for Human Rights in Armed Conflicts".

In order to make the necessary arrangements for the organization of the meeting, in co-operation with the Netherlands Red Cross, the International Committee asks National Societies which intend to delegate one or more experts to the meeting to advise it thereof as soon as possible and not later than the end of November 1970.

Yours sincerely,

For the International Committee
of the Red Cross

Marcel A. Naville
President

Annex

I. LIST OF SUBJECTS FOR DISCUSSION

In the following list, the indications between brackets under each chapter-heading are not exhaustive and are mentioned chiefly as examples. The list does not pre-empt that the International Committee of the Red Cross will suggest that the conference should examine these items in the order given.

1. Measures intended to reinforce the implementation, in armed conflicts, of existing international humanitarian law

(Dissemination of humanitarian principles and rules, national legislation for their application and instructions to be given to the armed forces - reinforcement of rules relative to the supervision of the regular observance of existing law and to the sanction of violations - Protecting Powers and their substitutes - problem of reprisals).

2. Strengthening of the protection of civilian populations against dangers of hostilities

(Reaffirmation of the immunity of the civilian population as such - distinction to be observed between non-military elements and military objectives in case of attacks - precautions to be taken as to fighting methods or the choice between different means of combat in order to spare the population - precautions to be taken by the authorities of the State to which it belongs - creation of zones or localities enjoying a particular status in view of their special protection - guarantees to be afforded to the personnel of non-military civil defence bodies).

3. Humanitarian rules relative to behaviour between combatants

(Reaffirmation and determination of the rules limiting needless forms of suffering and prohibiting certain methods of warfare : treatment of an enemy who surrenders - quarter - prohibited ruses - violation of protected emblems - problem of parachutists).

4. Protection of victims of non-international armed conflicts

(Notion and qualification of non-international armed conflicts - effective observance and development of rules applicable in these conflicts and which concern the treatment of victims and the conduct of hostilities - possible extension of certain rules to situations of internal disturbances and tensions).

5. Status of combatants and the problem of guerrilla warfare

(Possible definition and development of humanitarian rules with regard to the qualification of combatants, as well as the status and treatment of prisoners - rules relative to the conduct of hostilities in guerrilla warfare and duties incumbent upon parties to the conflict to spare the civilian population).

6. Protection of the wounded and sick

(Strengthening of existing guarantees - protection and marking of civilian medical personnel - strengthening of the safety of civilian medical transports and the problem of marking them - extension of certain rules to non-international armed conflicts).

E. MISCELLANEOUS

International Covenant on Civil and Political Rights

**Adopted and opened for signature, ratification and accession
by General Assembly resolution 2200 A (XXI) of 16 December
1966**

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I*Article 1*

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes :

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity ;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy ;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General, of the United Nations, of the provisions from which it has derogated ~~and of the reasons by which it was actuated~~. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include :

- (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
- (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
- (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

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